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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,298	06/18/2001	Atze J. Nijenhuis	P 281475 9462US/CNT1	6875

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Pillsbury Winthrop LLP
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EXAMINER

HAMPTON HIGHTOWER, PATRICIA

ART UNIT PAPER NUMBER

1711

DATE MAILED: 06/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,298

Applicant(s)

NIJENHUIS ET AL.

Examiner

Pat Hampton-Hightower

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 2, 2001 & May 10, 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on June 18, 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Priority

The priority document filed August 2, 2001 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicants have employed in claims 2, 5 and 6 improper Markush language, i.e., "is chosen from the group formed by", and "can be chosen from" in defining the Markush groupings of the "functionalities of compound I and compound II" and "compounds I and II" and have used the conjunction "and" to link the last two members and the only two members of the Markush groupings. Because the applicants have used improper Markush language the applicants should have used the term -- or --. See M.P.E.P. 2173.05(h).

In claims 10 and 11 the language "obtained from" is indefinite; it is suggested that the applicants use the terminology -- derived from --.

In claim 1, the expression "characterized in that" should have been -- wherein --;

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Also, in claim 1, the expression in claim 2, "functionality of compound wherein I can be chosen from 2, 3, 4, 5 and 6 and the functionality of compound II can be chosen from 3, 4, 5 and 6" is confusing because it is not clear what the applicant is contemplating. Are these values for A, B or both A and B? And how are these values defined in molar percentages?

In claim 11, the applicants are claiming "a flat film"; this is confusing because are film conventionally flat? What are the applicants trying to convey?

Clarification is requested.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmid et al (EPO 345,648 B1).

Schmid et al (EPO 345,648 B1) discloses thermoplastically processible polyamides which can be obtained by hydrolytic polymerization from amino acids and/or lactams (caprolactam, laurilactam, oenanthlactam; amino acids, aminoundecanoic acid) as basic units, at least 50% by weight of the polymer molecules having more than one chain branch, wherein the branching components are added to the melt of the basic monomer in the following composition;

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a) 5 to 150 μ mol/g polymer of at least trifunctional monomer consisting of an amine or a carboxylic acid (trimesic acid or trimerised fatty acids are used as the trifunctional branching carboxylic acid)and

b) 2 to 100 μ mol/g polymer of at least bifunctional monomer consisting of a carboxylic acid or an amine, with the proviso that when a) is an amine (diaminobutane, diaminohexane, diaminododecane or a cyclic diamine , 1,3- or 1,4-xylylene diamine), b) must be a carboxylic acid (benzoic acid, lauric acid) and when a) is a carboxylic acid, b) must be an amine and optionally

c) 5 to 450 μ mol/g polymer of a monomer which is monofunctional in normal polycondensation, a molar ratio of component a) to component b) is bifunctional and a molar ratio of at least 2 being observed when component a) and component b) are trifunctional; which anticipates the claimed invention. See the claims 1-18 on pages 20-22 and page 23, in the English language.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references are cited to show the state of the art of branched polyamides; Borggreve, Arnauts, Nijenhuis, Moshinsky and Fisch.

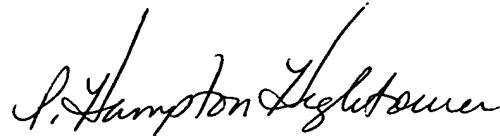
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pat Hampton Hightower whose telephone number is (703) 308-2434. The examiner can normally be reached on Monday -Friday from 9:30 a.m. to 6:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck, can be reached on (703) 308-2462. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

P. Hightower:ph
June 18, 2002



P. Hampton Hightower
Primary Examiner
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